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Letter dated 24 September 2007 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I am annexing herewith an agreement between the Democratic Republic of the Congo and the Republic of Uganda on bilateral cooperation signed between the two countries at Ngurdoto, Tanzania, on 8 September 2007 (see annex).

I should be very grateful if this letter and its annexure were circulated as a document of the Security Council.

(*Signed*) Francis K. **Butagira**
Permanent Representative

07-51690 (E) 201107

Annex to the letter dated 24 September 2007 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Ngurdoto-Tanzania Agreement between the Democratic Republic of the Congo and the Republic of Uganda on Bilateral Cooperation

Ngurdoto, Tanzania, 8 September 2007

Preamble

This Agreement is made between the Democratic Republic of Congo (the DRC) and the Republic of Uganda (hereinafter referred to jointly as the Parties).

CONSIDERING that the common cultural heritage and shared natural resources in the two countries offer enormous opportunities and strengths for the pursuit of stability and prosperity;

RECALLING the Agreement establishing a Joint Permanent Commission of Cooperation, 1986 between the two countries; the Agreement of Cooperation for the Exploration of Hydrocarbons and Exploitation of Common Fields, June 1990 and the Luanda Agreement on Cooperation and Normalization of Relations, September 2002;

FURTHER RECALLING the Lusaka Ceasefire Agreement of July 1999, the Tripartite Agreement, October 2003; the Principles of Good Neighbourly Relations and Cooperation, September 2003, the Pact for Security, Stability and Development in the Great Lakes Region, December 2006, the United Nations Charter and the Constitutive Act of the African Union;

REAFFIRMING their commitment to the letter and spirit of the said instruments;

REGRETTING the violent incidents, some involving loss of life, that have recently taken place along the common border;

DETERMINED to promote social, cultural, economic, and political cooperation in order to achieve peace, security and prosperity,

The Parties hereby agree as follows:

CHAPTER I: DEFENCE AND SECURITY

Article 1

Negative Forces

The Parties undertake to strengthen bilateral efforts to eliminate all negative forces operating from the two countries, particularly for Uganda, the Lord's Resistance Army (LRA), the Allied Democratic Alliance (ADF), the People's Redemption Army (PRA), and the National Liberation Army of Uganda (NALU) and for DRC, Forces Armees du Peuple Congolais (FAPC) of Jerome Kakwavu, Mouvement Revolutionaire Congolais (MRC) of Bwambale Kakolele, CNDP of Laurent Nkunda. To this end, the Parties agree that:

(a) the process of apprehension, disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) of persons in the negative forces referred to above, shall, within 90 days from the date of this Agreement, be demonstrably undertaken in either country, respectively. The foregoing may be achieved through joint military operations in concert with MONUC. The Parties shall deny sanctuary to any person opposed to DDRRR.

(b) The Government of the DRC shall formulate an action plan to neutralize the negative forces, particularly the LRA and ADF, which shall become effective by January 2008;

(c) the Joint Verification Mechanism already existing between Parties shall be strengthened by opening liaison offices in the towns Aba, Beni, Bunia, Kinshasa, Fort Portal, Arua, Kisoro, Kanungu and Kampala;

(d) the decisions reached in previous bilateral meetings with regard to the negative forces but have not been implemented shall be implemented within three months from the date of this Agreement and future joint decisions shall be implemented without delay;

(e) there shall be meetings of Ministers of Defence and Security and their Permanent Secretaries at least twice a year to review progress in this respect. These meetings shall be preceded by those of Chiefs of Defence Forces and Chiefs of Military Intelligence, which shall be held at least once a

year. In addition, there shall be meetings of Regional Commanders as well as those of local political leaders every month;

(f) At the Tripartite Plus One meeting scheduled to take place in Kampala, the Government of Uganda shall support a proposal by the DRC to ensure the successful integration of the DRC national army, disarmament of the Interahamwe and other negative forces and the joint pacification, by MONUC and the DRC national army, of areas in North Kivu currently affected by hostilities.

Article 2

Settlement and Repatriation of Refugees

The Parties agree to set up a Tripartite Commission on Refugees involving the Government of the Democratic Republic of the Congo, the Government of the Republic of Uganda and the United Nations High Commission for Refugees in the last quarter of 2007 with a view to ensuring that:

(a) refugees are settled away at least 150 km from the common border, as required by international instruments governing refugees;

(b) refugees are sensitized about the situation pertaining in their countries;

(c) refugees are repatriated once the conditions that compelled them to flee their countries improve in accordance with international rules governing refugees.

Article 3

Border Demarcation and Security

(1) The Parties reaffirm their commitment to respect the principle of inviolability of borders as inherited from the colonial powers.

(2) The Parties agree to the joint re-marking, where necessary, of the international boundary between the two countries as defined in the Agreement between the United Kingdom and Belgium Respecting Boundaries in East Africa (Mt Sabinio to the Congo-Nile Watershed) of

3rd February 1915 and its annexes as recognised under the Charter of the Organisation of African Unity and its successor, the Constitutive Act of the African Union.

(3) The Parties agree to set up a joint team of experts within one month from the date of this Agreement to work out the modalities of carrying out the task in (2) above. The joint team may co-opt any person or persons from any country or body as it may be deemed necessary.

(4) The parties agree that upon being constituted, in remarking the international boundary, the joint committee shall give priority to Rukwanzi island and in the territory of Mahagi, particularly the areas of Uriwo, Anzida/Panzuru, Angiero, Pagira and Pamitu; and in the territory of Aru the border of Vura.

(5) The Parties agree that Rukwanzi island and Mahagi, particularly the areas of Uriwo, Anzida/Panzuru, Angiero, Pagira and Pamitu shall be immediately demilitarized.

(6) The Parties further agree that the DRC administration on Rukwanzi island shall remain in place for one month from the date of this Agreement and during that month, it shall sensitize the resident population about this aspect of the Agreement. Immediately after the said one month, Uganda shall appoint a co-administrator to jointly administer the island with the DRC administrator, and post police personnel equal in number to those stationed by the DRC on the island to maintain civil order.

(7) The Parties agree to ensure that the existing mechanism under which regular joint border meetings are held alternately on both sides of the border involving local political leaders, military commanders and other technical officials as well as central government representatives shall have the responsibility of monitoring and ensuring the implementation of the provisions of (5) and (6) above.

CHAPTER II: ECONOMIC COOPERATION

Article 4

Management of Trans-boundary Resources and Regularization of Cross-border Trade in Minerals

(1) The Parties agree to ensure and facilitate cooperation in all economic fields of common interest, particularly the use and management of trans-boundary living resources. To this end, the Parties agree to convene a session of the Joint Permanent Commission of Cooperation in Uganda in December, 2007 for the purpose of exploring ways of harmonising and adopting best practices for preserving trans-boundary resources such as crops, animals, fisheries, forests and national parks, for mutual benefit.

(2) The Parties reiterate their commitment to cooperate in the exploration of trans-boundary hydrocarbons and in the exploitation of trans-boundary fields. To this end, the Parties agree that:

(a) where an oil field is found to straddle their common border, the Parties shall jointly explore and exploit that field and proportionately share the costs and proceeds in accordance with the principle of *unitisation*. The respective Ministers responsible for the oil sector shall meet within one month from the date of this Agreement to deliberate and agree on the detailed modalities in this regard;

(b) they shall within three months from the date of this Agreement attach petroleum experts in their respective embassies who will, under a framework to be agreed upon between the Parties, observe petroleum exploration activities on each other's side of the border;

(c) they shall continue to exchange information, experience and expertise in petroleum matters;

(d) the Democratic Republic of Congo shall enhance Petroleum exploration in the Albertine basin as soon as possible to enable the Parties identify and evaluate trans-boundary fields;

(e) the DRC Government shall send a team of experts within one month from the date of this Agreement to visit areas where oil has been discovered near the common border.

(f) they shall update the said *Agreement of Cooperation for the Exploration of Hydrocarbons and Exploitation of Common Fields, 23 June 1990* with a view to improving and strengthening it.

(3) The Parties undertake to ensure the following in order to enhance economic cooperation and trade regularisation:

(a) the conclusion of an agreement for mutual assistance in Customs matters for preventive research and repression of illegal activities;

(b) setting up a common project to fight illegal trade and fraudulent networks in minerals, starting within 90 days;

(c) the establishment of a regional gold trade centre and refinery in the Democratic Republic of Congo, starting within 30 days;

(d) the enhancement of exchange of information by the respective mine surveillance authorities;

(e) active participation in the Traceability Group in the Great Lakes Region.

(f) the signing of an Agreement between the two countries' Ministries responsible for Minerals, on economic and technical cooperation in the sectors of geology, mines and steel, within 30 days.

Article 5

Development of Cross-border Infrastructure and Trading in Electricity

(1) The Parties agree that their respective Ministers responsible for infrastructure shall convene, in the framework of the session of the Joint Permanent Commission scheduled for December 2007 in Uganda, meet to work out modalities for developing road, rail and water transport infrastructure linking the two countries;

(2) The Parties agree to conclude an Agreement for cooperation in the interconnection of their respective power grids in the framework of the Nile Basin Initiative through, among others, extending the 132 kv transmission line from Kasese (Uganda) to provide electricity for the areas of Beni-Butembo-Rutchuru in the Democratic Republic of the Congo.

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(3) The Parties agree to jointly undertake studies on the project in (2) above which will be reinforced by the electricity generation project on River Semliki. Their respective Ministries responsible for energy and their energy distribution companies should meet within one month in Kampala, Uganda, to study modalities for implementing this project.

CHAPTER III: POLITICAL AND DIPLOMATIC COOPERATION

Article 6

Normalization and Strengthening of Bilateral Relations

The Parties agree to normalize and strengthen their bilateral relations by, among others

(a) reviving the activities of Joint Permanent Commission of cooperation which should hold its next session in December, 2007 in Uganda to review what has been done or has not been done during the last 10 years of its inactivity and recommend ways of ensuring a solid foundation for future bilateral cooperation;

(b) upgrading their diplomatic representation to ambassadorial level;

(c) holding an annual summit of the Heads of State of the Parties to be held alternately on each Party's territory, or wherever they may decide.

Article 7

Claims

(1) The Parties agree to form, with each Party nominating not more than three members, an ad hoc joint technical team to study and advise the respective Ministers of Foreign Affairs on matters relating to:

(a) claims by the Embassy of the DRC in Kampala in connection with:

(i) plot 25 A Elizabeth Avenue, Kololo which is a subject of a dispute involving a Ugandan national; and

(ii) three villas on Acacia Rd No.7B, Mbuya No.14 and Bugolobi No.12 which were auctioned due to the Embassy's indebtedness.

(b) a claim of outstanding payment of US$1 million for services rendered by M/s Uganda Air Cargo to the DRC Government.

(2) The joint team in (1) above shall report its findings within one month from the date of this Agreement.

Article 8
Implementation of the Judgment of the International Court of Justice (ICJ)

The Parties agree to constitute, with each Party nominating not more than 7 members, an ad hoc committee to study the ICJ judgment in the Case Concerning Armed Activities on the DRC Territory (DRC v Uganda) and recommend to the JPC modalities of implementing its orders on the question of Reparations.

CHAPTER IV: GENERAL PROVISIONS

Article 9

Amendment

This Agreement may be amended or revised with the written consent of the Parties.

Article 10

Dispute Resolution

Any dispute between the Parties to this Agreement relating to the interpretation and application shall be resolved amicably.

Article 11

Date of Effectiveness

This Agreement takes effect upon signature by the Parties.

IN WITNESS WHEREOF, the Parties have signed this Agreement at NGURDOTO on this 8th day of the month of September in the year 2007 in English and French, both texts being equally authentic.

H.E Joseph Kabila Kabange
PRESIDENT OF THE DEMOCRATIC
REPUBLIC OF THE CONGO

H.E Yoweri Kaguta Museveni
PRESIDENT OF THE
REPUBLIC OF UGANDA

WITNESSED BY:

H.E Jakaya Mrisho Kikwete
PRESIDENT OF THE UNITED REPUBLIC TANZANIA